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POLICY ISSUES ARISING IN THE CONTEXT OF SELECTED ITEMS OF THE PROVISIONAL AGENDA FOR THE FIRST PART OF THE THIRTY-NINTH SESSION OF THE BOARD:

(a) FOLLOW-UP TO THE RECOMMENDATIONS ADOPTED BY THE CONFERENCE AT ITS EIGHTH SESSION (ITEM 2 OF THE ABOVE-MENTIONED PROVISIONAL AGENDA)

Discussion note by the Secretary-General of UNCTAD

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Introduction

1. This note provides background information for the review by the Board of progress made in the implementation of the institutional reforms agreed to at UNCTAD VIII and presents suggestions in regard to certain outstanding issues. It also sets forth, for consideration, some options for giving effect to paragraph 60 of the Cartagena Commitment which states that:

> "Effective implementation, monitoring, and follow-up are essential for fulfilling the mandate of UNCTAD, and the necessary arrangements should be made by the Trade and Development Board in order to ensure that the outcomes of the processes described above are translated into concrete action".

Implementation of institutional reforms

2. It will be recalled that, in accordance with paragraph 87 of the Cartagena Commitment, which called upon the Board to take the necessary follow-up measures to ensure the speedy implementation of the institutional reforms decided by the Conference, the Board, by its decision 398 (XXXVIII) of 7 May 1992, established terms of reference for the four Standing Committees and the five Ad hoc Working Groups.

3. Subsequently, on 17 July 1992, the Consultations of the Secretary-General of UNCTAD endorsed the conclusions reached by representatives of States members of the Bureau of the Board on certain suggestions made by the Secretary-General. These suggestions related to the periodicity and sequencing of meetings of UNCTAD's intergovernmental organs for the period 1992-1996 as well as the elements of a work programme for the Board for the period 1992-1995, together with some additional topics for which no explicit provision was made in that programme. In effect it was agreed that the suggestions of the Secretary-General represented a good basis for drawing up a calendar for the initial meetings of the new bodies and that the proposals relating to the work programme of the Board could serve as an indicative orientation for the work programme and as a point of departure for the formulation of future agendas of the Board. The calendar for the initial meetings of the new bodies has since been established.

4. The Consultations also agreed that the secretariat issue a standard agenda for the first meeting of each of the new bodies comprising normal procedural matters and one other agenda item covering the work progamme and programme of meetings. The secretariat has given effect to this decision. In addition, the Consultations approved the calendar of meetings of the new bodies as drawn up by the Informal Group on Calendar Matters.

5. The above-mentioned action at the intergovernmental level has been complemented by a number of steps taken at the level of the secretariat. As foreseen in paragraph 80 of the Cartagena Commitment, the Secretary-General of UNCTAD has undertaken a comprehensive review of the internal organization and structure of the secretariat with the aim of enabling it to meet the requirements of UNCTAD's new work programme orientations and intergovernmental structures. If, as is hoped, the Secretary-General of the United Nations concurs in the coming week or two with the proposals made by the Secretary-General of UNCTAD, the reorganization plan could be implemented in time for the initial meetings of the new bodies.

6. The Secretary-General of UNCTAD has also addressed notes to the Governments of member States inviting them to indicate their intentions as regards membership of the new Standing Committees and Ad hoc Working Groups, as provided for in the Cartagena Commitment. Finally, documents setting forth issues relating to their respective work programmes which these bodies may wish to address at their initial meetings have also been prepared by the secretariat.

7. It may be concluded that six months after the conclusion of UNCTAD VIII, the task of implementing the institutional reforms agreed at that Conference is well advanced. In addition, progress has been registered in giving effect to the new methods of work agreed upon at the Conference. The Special Committee on Preferences was the first of the Board's subsidiary bodies to bring to bear, at its recent session, the methodology outlined in paragraphs 51-56 of the Cartagena Commitment; this effort was generally judged to be satisfactory, not least because, among other achievements, it enabled the Committee to address for the first time and to reach a consensus regarding the controversial issue of "graduation" in the application of the GSP.

8. A number of outstanding issues remain to be resolved. One concerns the membership of the new Standing Committees and Ad hoc Working Groups. The response to the Secretary-General's invitation, referred to in paragraph 6 above, has been encouraging. (Details of the prospective membership of the various bodies, as of 9 September, are contained in future TD/B/39(1)/CRP.4). The Board may, however, wish to consider ways and means of ensuring a wider and more diversified participation by member States. There seems to be more scope in particular for greater representation of developing countries, especially the least developed countries, in the work of the new bodies, particulary the Ad hoc Working Groups. In this way it will be possible, as emphasized in the Cartagena Commitment, to bring the widest possible range of national experience and empirical evidence to bear on the issues for discussion, including, in the case of the Ad hoc Working Groups, through the nomination of national experts.

9. It should be mentioned that one constraint in this regard which a number of delegations have brought to the attention of the secretariat is the unavailability of funds to cover the travel expenses of experts from capitals to participate in the Ad Hoc Working Groups. This constraint could be removed if interested donor countries were able to establish adequate trust fund arrangements for the purpose, at least for the least developed countries.

10. A second set of issues concerns the procedures of the new bodies. It is suggested that the rules of procedure of the main Committees of the Trade and Development Board (TD/B/740) should be applied to the Standing Committees and that the officers of these Committees be elected in accordance with the applicable rules of procedure, taking into account the principles of equitable geographical distribution and of rotation. It is also suggested that the rules of procedure of the Board (TD/B/16/Rev.4) should be applied as appropriate to the Ad Hoc Working Groups. As provided for in the case of main Committees of the Board, the Bureau of these Working Groups would consist of seven members (a Chairman, 5 Vice-Chairmen and a Rapporteur) elected for the duration of each Group.

11. In accordance with established practice the Secretary-General of UNCTAD will notify States, specialized agencies, regional commissions and other United Nations bodies, as well as intergovernmental organizations, of sessions of the Standing Committees and Ad Hoc Working Groups, and of the Board. As regards non-governmental organizations having status with UNCTAD (currently numbering 145), the pattern of future notifications will depend on the areas of interest of each such organization in the work of the new bodies. The secretariat will shortly circulate suggestions in this regard taking into account the recent changes in the intergovernmental structure.

12. Another issue relates to the participation of other non-governmental actors indicated in paragraph 84 of the Cartagena Commitment (including enterprises, trade unions, the academic community and non-governmental organizations other than those having status with UNCTAD) in the work of the Board and its subsidiary bodies. It is suggested that the list of persons or representatives to be invited from this category would be approved in advance by the Bureau of each body on the basis of proposals by the secretariat. It is also suggested that the participation of such invitees would be limited to the public meetings of the body concerned; upon the invitation of the presiding officer and subject to the approval of the body concerned, such invitees would be entitled to make oral and written statements. It would be understood that, owing to the current budgetary stringency, UNCTAD could not offer to bear the related costs of such participation.

13. The rules of procedure of the Trade and Development Board governing the participation of non-governmental organizations may have to be revised.

Follow-up of substantive recommendations

14. The Board may also wish to give preliminary consideration to arrangements for the monitoring and follow-up, as called for in paragraph 60 of the Cartagena Commitment, of the substantive recommendations agreed at UNCTAD VIII.

15. It is to be noted that paragraph 68 of the Cartagena Commitment provides that the Board will conduct a mid-term review and evaluation of the work programme of the intergovernmental machinery, including its own. This work programme review will naturally have to take account of the state of implementation of various substantive recommendations of UNCTAD VIII, but the above-mentioned paragraphs of the Cartagena Commitment appear to envisage the mid-term work programme review and the monitoring and follow-up exercise as two distinct processes.

16. As regards monitoring and follow-up arrangements, the Board may wish to consider the following options:

(i) The Board could undertake a comprehensive stock-taking, on the basis of documentation prepared by the secretariat, of the steps taken by the secretariat, member States and the international community (including international organizations) in response to the whole range of recommendations made by UNCTAD VIII.

(ii) For each part of the regular session of the Board session, a particular topic could be identified for inscription on the agenda under the heading "Follow-up to the recommendations of UNCTAD VIII". The purpose of this would be to undertake an in-depth review of progress in the implementation of the recommendations of the Conference concerning that topic and to consider such further action as might be required;

(iii) In its consideration of each substantive item on their agendas, the Board and its subsidiary bodies would assess the extent to which effect has been given to the relevant UNCTAD recommendations by all the entitites to which they are addressed and consider such further action as may be appropriate.

17. The Board's mid-term review of the work programme should take into account the outcomes of the monitoring and follow-up processes. As their contribution to this mid-term review, the Standing Committees should undertake a review of their respective work programmes by mid 1994; the Ad Hoc Working Groups should likewise undertake similar reviews in the context of the preparation of their final reports at the end of their two-year life span.